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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/682,058	10/09/2003	William Clay Ratliff	6697.37002	8189
21000	7590	07/19/2004	EXAMINER	
DECKER, JONES, MCMACKIN, MCCLANE, HALL & BATES, P.C.			ADDIE, RAYMOND W	
BURNETT PLAZA 2000 801 CHERRY STREET, UNIT #46 FORT WORTH, TX 76102-6836			ART UNIT	PAPER NUMBER
3671				
DATE MAILED: 07/19/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/682,058	RATLIFF ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Raymond W. Addie	3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

1)  Responsive to communication(s) filed on 13 April 2004.

2a)  This action is **FINAL**.                    2b)  This action is non-final.

3)  Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

4)  Claim(s) 1-10 is/are pending in the application.  
4a) Of the above claim(s) 7-10 is/are withdrawn from consideration.

5)  Claim(s) \_\_\_\_\_ is/are allowed.

6)  Claim(s) 1-5 is/are rejected.

7)  Claim(s) 6 is/are objected to.

8)  Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

9)  The specification is objected to by the Examiner.

10)  The drawing(s) filed on \_\_\_\_\_ is/are: a)  accepted or b)  objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)  The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All b)  Some \* c)  None of:  
1.  Certified copies of the priority documents have been received.  
2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3.  Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/09/03.

4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_ .

5)  Notice of Informal Patent Application (PTO-152)

6)  Other: \_\_\_\_ .

## DETAILED ACTION

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 1-6, drawn to an aircraft passenger bridge, classified in class 14, subclass 71.5.
  - II. Claims 7-10, drawn to a dumb-waiter type luggage lift, classified in class 187, subclass 261.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the invention of Group I is dependent upon the aircraft passenger bridge for patentability, more so than the commonly known luggage elevator structure. The subcombination has separate utility such as an elevator for use by people.

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

During a telephone conversation with Geoffrey Mantooth on 7/10/04 a provisional election was made with traverse to prosecute the invention of Group I, claims 1-6. Affirmation of this election must be made by applicant in replying to this Office action. Claims 7-10 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4 are rejected under 35 U.S.C. 102(e) as being anticipated by Ganiere # US

2003/0219329 A1.

Ganiere discloses an aircraft passenger bridge (14) having a luggage lift (10) comprising:

A passage structure (14) supported for rotation about a vertical axis next to a building.

Said passage structure comprising a rotunda, a bridge and a cab. See fig. 1.

Said cab having a 1<sup>st</sup> port (16) adapted to be coupled to an aircraft doorway (16a).

Said bridge comprising a plurality of sections, which are telescopically interconnected, and extending between said rotunda and said cab.

A housing (38) coupled to the exterior of the passenger bridge and having an opening located in line with a second port (26) of the passenger bridge.

Said housing having an opening in a lower portion for passage of a carriage (46).

Means (62c), for lowering said carriage (36) downward to the ground or tarmac (24) and upward to the second port for transporting luggage and other items between the passenger bridge and the ground/tarmac. See cols. 1-4, ln. 65.

In regards to claims 2-4 Ganiere discloses the second port (26) is located in the rotunda and the housing (38) bears on the ground, and the housing is couple to a nonrotating portion (20) of said rotunda. See col. 2-3; Figs. 1-3.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ganiere # US

2003/02199329 A1 in view of Nygren # US 2002/0084148 A1.

Ganiere discloses an aircraft passenger bridge having a luggage lift (36) in the form of an elevator having said second port extending into said housing in communication with an interior upper zone and a lower zone of said housing. Said housing further having support structure (42) coupled to said passenger bridge and said carriage (36) being supported for movement between said upper interior zone and said lower zone for the transportation of luggage and other items (22) between the tarmac and the passenger bridge. Said carriage (36) further comprising: A platform (46/52) for supporting luggage and other items (22) coupled to a lower end of a plurality of leg members (54), see Fig. 3; by coupling means (58/54) such that said platform is located below the lower ends of said leg members and can engage a ground/tarmac when said carriage (36) is lowered to the lower zone.

Wherein said lower ends of said leg members and said platform section (52) may move toward and away from each other respectively so as to move said platform section (52) between a horizontal and an inclined position. See col. 4, ln. 22-col. 5, ln. 15.

Said luggage lift system further comprising an electric motor and associated structure to power the elevator/carriage (36).

What Ganiere does not disclose whether or not the housing (38) further comprises sidewalls or the use of a contact switch to deactivate the carriage lifting means when the carriage contacts the ground/tarmac (20).

However, Nygren teaches the use of a safety switch assembly (5, 8) for use in an elevator type hoisting-assembly (1) having a housing/hoist shaft (2) comprising a top and sidewalls having doors (3), See fig. 1. Said safety switch assembly (5, 8) being mounted on the sidewalls near a lower and upper travel limit heights of a lift cage (1). Said switch assembly being movable by friction and contact with said lift cage (1), in order to shut off an electric motor powering said lift cage. See col. 1, paragraph 3-col. 4, para. [0029]. Therefore, it would have been obvious to one of ordinary skill in the art, at the time the invention was made to provide the baggage lift of Ganiere, with a safety switch assembly, as taught by Nygren, in order to create a safety zone around the baggage lift, as reasonably suggested by Nygren. See col. 3, para. [0026-0028].

### ***Conclusion***

4. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
  
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Combs, Jr. discloses a winch operated lift system. Hughes # 5,667,035 discloses an overhead platform lift assembly. Long # US 2003/0213652 A1 discloses an elevator. Rezag et al. # 5,074,496 discloses a dumb waiter for use inside aircraft.

Reite et al. # 6,167,670 B1 discloses a casing for dumbwaiters. Thompson, Jr. et al. # 6,109,854 discloses an baggage ramp connectable to an aircraft passenger bridge boarding cab. Crump # 4,469,198 discloses an rescue elevator system.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond W. Addie whose telephone number is 703 305-0135. The examiner can normally be reached on 8-2pm, 6pm-8pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Raymond Addie  
Patent Examiner  
Group 3600

7/14/2004